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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/470,494	12/22/99	NEWELL	M 10277/7007

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HM22/1023

EXAMINER
GAMBEL, P

ART UNIT	PAPER NUMBER
1644	

DATE MAILED: 10/23/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER NUMBER
1644	14

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

Applicant's election of Group I and the species CD40L and CD80 AND CD86 in Paper No. 13 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

However, it is noted that the species requirement set forth in the previous Office Action (Paper No. 12), indicated that the election on the costimulatory molecule was CD80 OR CD86. Applicant is required to indicate whether it is applicant's intention to elect (1) CD80 or (2) CD86 or (3) the combination of CD80 and CD86. If the combination is elected, applicant should specifically point out the support for this combination in the disclosure as filed to avoid a rejection under 35 USC 112, first paragraph, written description.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Gambel whose telephone number is (703) 308-3997. The examiner can normally be reached Monday through Thursday from 7:30 am to 6:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (703) 308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-0196.

Phillip Gambel
Phillip Gambel, PhD.
Primary Examiner
Technology Center 1600
October 22, 2001